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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/218,783	12/22/1998	PEGGY M. STUMER	98-P-7977-US	2633
7590	07/09/2004		EXAMINER	
			KNOWLIN, THJUAN P	
			ART UNIT	PAPER NUMBER
			2642	21
DATE MAILED: 07/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/218,783	STUMER ET AL.	
	Examiner	Art Unit	
	Thjuan P Knowlin	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ayala (US 5,809,130).
2. In regards to claims 1, 3, 4, 8, 9, 11, 12, 14, 15, 21, 22, and 26, Ayala discloses a group pickup system and method in a communication network having one or more servers (col. 2 lines 22-30), comprising: one or more call group locations associated with different ones of said one or more servers (col. 2 lines 22-30); an invite request unit to invoke the group pickup system (col. 2 lines 8-15); a group pickup request unit responsive to said invite request unit to establish a connection to a group pickup destination to enable a caller station to be pickup up from said destination, said destination comprising any of said one or more group locations (col. 2 lines 22-30 and col. 3 lines 11-17); and a retrieval request unit (Fig. 1 and retrieval system 10) to connect a call pickup station with said caller station; wherein said group pickup system

comprise a supplementary service group pickup system (col. 2 lines 22-30, col. 3 lines 18-24, and col. 4 lines 26-47).

3. In regards to claims 2, 10, 13, and 25, Ayala discloses the system and method, further including an exception handler adapted to handle failures in the group pickup system (col. 2 lines 31-44).

4. In regards to claim 5, Ayala discloses the system, wherein said network failure may include excessive network congestion (col. 1 lines 45-59 and col. 2 lines 31-44).

5. In regards to claims 6 and 7, Ayala discloses the system, wherein said network failure may include a vacant number (col. 2 lines 23-30).

6. In regards to claims 16, 17, 18, 20, 23, and 24, Ayala discloses a system and method, in which the request unit comprises: an automatic mode unit that automatically searches for a group member station that may be available to pick up an unanswered call (Fig. 1 and col. 4 lines 26-47); and a manual mode unit that is initiated by a group member who is aware of an unanswered call at another station and searches for an alerting group member station (col. 2 lines 8-15).

7. In regards to claim 19, Ayala discloses a system, further comprising a queue/dequeue unit (Fig. 1 and call queue 18) for selecting a group member from a database (col. 4 lines 48-58 and col. 5 lines 8-16).

8. In regards to claim 27, Ayala discloses a telecommunications system (system 10), comprising: a plurality of servers (col. 2 lines 22-30); a plurality of telephone devices (telephones 16) associated with said plurality of servers; and predetermined number of said plurality of telephone devices and which allows call pickup of any call to

a group member by any group member station connected to any of said plurality of servers (col. 2 lines 1-20 and col. 2 lines 45-65).

Response to Arguments

9. Applicant's arguments filed 06/16/04 have been fully considered but they are not persuasive. Applicants state that Ayala state that "stations are not divided into groups", but instead provides a single central office switch which queues calls and then sends paging or public address messages to intended recipients. Thus, teaching away from the present invention, which provides an enhanced network-wide group pickup system.

10. Examiner respectfully disagrees with this argument. As pointed out by Applicants, Ayala teaches that, "stations are not divided into groups dependent on physical proximity" (col. 2 lines 22-33). Therefore, meaning that an individual has the capability to pick up a call from any station, regardless of its location. The individual may be able to access a call even from a geographically distant station, such as a station located in a different building or town (col. 2 lines 25-30). Therefore, providing an enhanced network-wide group pickup system. Applicants continue to argue that Ayala states that, "stations are not divided into groups." Applicants, however, fail to quote the entire phrase, which is "stations are not divided into groups dependent on physical proximity." Ayala does disclose stations as being divided into groups, the groups, however, are just not dependent on physical location (which is also another feature being claimed in the present invention). As previously pointed out, Ayala teaches that stations are not divided into groups dependent on physical proximity. An individual is

able to answer a call from any station, independent of its location. The station may be local or remote, such as in a different building or town. Therefore, the server(s) are operating within a "group", and the member stations can be local and/or remote.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Romero (US 3,737,587) teaches a telephone switching system having call pickup service. Akester et al (US 6,324,274) teach a method and system for managing a user profile for use in a personal number service.
12. This is a RCE of applicant's earlier Application No. 09/218,783. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin
June 23, 2004


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700